

Serial No.: 10/676,064
Filed: October 2, 2003
Art Unit: 3733
Examiner: James L. Swigger, III
Applicant: Thomas Ross
Title: ANTERIOR CERVICAL PLATE
Conf. No.: 7730

Cincinnati, Ohio 45202

June 12, 2007

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW PATENT APPLICATION FROM
ISSUE AFTER PAYMENT OF ISSUE FEE UNDER 37 C.F.R. 1.313 (c)**

Sir:

Applicant hereby petitions to withdraw the above-identified patent application from issue. The issue fee in this patent application was paid on May 23, 2007. This patent application was recently acquired by the current owner, Zimmer Spine, Inc., via assignment from the previous owner executed March 26, 2007. The current assignee is aware of certain prior art that may be considered relevant to this invention and that prior art was not previously cited by the prior owners of this application.

Concurrent with the filing of this Petition, Applicant is filing a Request for Continued Examination (RCE) as well as an Information Disclosure Statement (IDS) in which prior art not previously of record, but known to the current assignee of this application, is cited for consideration by the Patent Office.

Therefore, Applicant respectfully requests withdraw of this application from issuance, a refund of any applicable fees previously paid and consideration of the IDS filed concurrently with the RCE in this application. Applicant respectfully requests that this

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Petition be granted, the prior art considered by the Examiner and a subsequent Notice of Allowance for this application.

The Patent Office is hereby authorized to charge the petition fee under 37 C.F.R. § 1.17(h), the RCE fee under 37 C.F.R. § 1.17(e) and any other fees required to Deposit Account 23-3000 and any overpayment of fees can be credited to that account.

Respectfully submitted,

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